IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.18245 of 2006

DATE OF DECISION: November 20, 2006

M/s Bharat Trading Company

….Petitioner

VERSUS

State of Haryana and others

…..Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri I.D.Singla, Advocate for the petitioner.

Viney Mittal,J.(Oral).

The petitioner is aggrieved against the order dated April 24, 2006 (Annexure P.1) passed by the District Food & Supplies Controller, Sirsa, respondent No.1 as well as appellate order dated August 8, 2006 (Annexure P.3) passed by the Deputy Commissioner, Sirsa.

A primary grievance made by the petitioner in the present petition is that the appellate order has been passed by the Deputy Commissioner, Sirsa without ever affording an opportunity of hearing to the petitioner and merely on the basis of some contentions raised on behalf of another depot holders, which was being represented by Smt. Krishna Grover. However, from the perusal of the appellate order, we find that Smt.Krishna Grover is shown to have appeared on behalf of four depot holders which were treated to be defaulters.

In the appellate order it has been observed that although the depots had been allotted to different depot holders but there were indications that these were run by Smt.Krishna Grover.

Shri I.D.Singla, the learned counsel appearing for the petitioner has contended that the aforesaid observations made by the appellate authority are factually incorrect, inasmuch as, Smt.Krishna Grover had absolutely no connection with the depot of the petitioner.

If that be so, the petitioner should first file a review application before the Appellate Authority taking up the aforesaid plea and raising up all such further pleas which are available to him before the Appellate Authority. If any such review application is filed by the petitioner before the Appellate Authority, the Appellate Authority shall take into consideration the aforesaid pleas and examine the pleas raised by the petitioner on merits without rejecting the review application on any technical objection with regard to maintainability or delay.

Disposed of with the aforesaid liberty.

A copy of the order be given dasti on payment of usual charges.

(Viney Mittal)
Judge

November 20, 2006
KD

(H.S. Bhalla)
Judge